HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE JUSTICE SHRI SATISH K. AGNIHOTRI

WRIT PETITION (S) No. 2316 of 2007

PETITIONER : Suresh Kumar Bhalla S/o- Shri Baldev Raj Bhalla Aged about 44 years R/o Qr. No. 12/F, 03A Type Hospital Sector, Post Office Dallirajhara, District Durg (C.G.)

VERSUS

RESPONDENTS : 1) State of Chhattisgarh, Through – Secretary, Awas Paryawaran Avam Nagariya Vikas Vibhag, Mantralaya, D.K.S. Bhawan, Raipur Distt – Raipur (C.G.)

2) Directorate Director, Nagariya Niyojan and Vikas, Raipur (C.G.)

3) District Selection Committee Durg, Office of Collector, Jila Shahriya vikas Abhikaran, District Durg (C.G.)

4) Chief Municipality Officer Municipal Corporation Durg Distt – Durg (C.G.)

5) Hemant Kumar Sahu S/o Chinta Ram Sahu R/o Banpela, Qr. No. HL-42, Jawaharnagar, Durg, District-Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT(S) OR ORDER(S) OR DIRECTIONS(S)

Present: Shri Y.C.Sharma, Advocate for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the State / respondent no. 1 and 2.

ORDER

(Passed on 13th day of April, 2007)

1. By this petition, the petitioner seeks a direction to the respondents to grant benefit of sports/games and reservation policy to appoint the petitioner on the post of Sub-Engineer.

2. The indisputable facts, in nutshell, are that the petitioner having obtained B.E. (Mechanical), applied for appointment on the post of Sub-Engineer, pursuant to the advertisement dated 05.10.2004

(Annexure P/10) in Nagar Palika Parishad, Charoda, District Durg. The petitioner has been denied 5% marks as according to the learned counsel, he is entitled to under sports quota. The petitioner was also not considered for appointment against the quota reserved for disabled person as the petitioner is 40% disabled in speech.

3. I have heard the learned counsel appearing for the petitioner, perused the pleadings and the documents appended thereto. It is evident that as per memo dated 07.01.2005 (Annexure P/11) the person having N.C.C. (C) Certificate or has represented in sports/games State or Nation, would be entitled to 5% marks as per clause 4(e) of the memo dated 7.1.2005

4. On query, the counsel is not in a position to point out asto when and how the petitioner has represented the State in national competition in sports/games. The petitioner has annexed certain certificates which do not indicate his representation on behalf of State in any national competition except that he has been awarded some certificates at the State level. The petitioner has rightly been declined 5% marks. With regard to 6% reservation for disabled candidates, the petitioner has not produced any document showing that the reservation policy has not been followed, contrary to the averments made by the petitioner.

5. Learned counsel appearing for the respondent 1 and 2 submits that the reservation policy has been followed. The petitioner, even otherwise, having been found unsuccessful in the examination cannot question the process and is debarred from challenging the selection process.

6. This petition is vague and lacks material facts. For want of material facts, no direction or a writ of mandamus can be issued in exercise of its extraordinary discretionary jurisdiction under Article 226 of the Constitution.

7. As a result, this petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

Amit